

FALSE PUBLIC ALARMS – MISUSE OF 9-1-1
(N.J.S.A. 2C:33-3(e))

The indictment charges the defendant with the offense of misuse of 9-1-1. That section of our statute reads in pertinent part:

A person is guilty of [this crime] if the person knowingly places a call to a 9-1-1 emergency telephone system without purpose of reporting the need for 9-1-1 service.

In order to find the defendant guilty of this offense, the State must prove each of the following elements beyond a reasonable doubt:

- (1) That he/she knowingly placed a call to a 9-1-1 emergency telephone system; and
- (2) That he/she did so without purpose of reporting the need for 9-1-1 service;

The first element that the State must prove beyond a reasonable doubt is that the defendant knowingly placed a call to a 9-1-1 emergency telephone system.

A person acts knowingly with respect to the nature of his/her conduct or the attendant circumstances if he/she is aware that his/her conduct is of that nature, or that such circumstances exist, or he/she is aware of a high probability of their existence. A person acts knowingly with respect to a result of his/her conduct if he/she is aware that it is practically certain that his/her conduct will cause such a result. “Knowing,” “with knowledge,” or equivalent terms have the same meaning.¹

Knowledge is a condition of the mind that cannot be seen and can only be determined by inferences from conduct, words, or acts. A state of mind is rarely susceptible of direct proof but must ordinarily be inferred from the facts. Therefore, it is not necessary, members of the jury,

¹ N.J.S.A. 2C:2-2b(2).

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that the State produce witnesses to testify that an accused said he/she had a certain state of mind when he/she engaged in a particular act. him/her. It is within your power to find that such proof has been furnished beyond a reasonable doubt by inference which may arise from the nature of his/her acts and his/her conduct, and from all he/she said and did at the particular time and place, and from all of the surrounding circumstances.

The second element that the State must prove beyond a reasonable doubt is that the defendant made the call to 9-1-1 without purpose of reporting the need for 9-1-1 service.

A person acts purposely with respect to the nature of his/her conduct or a result thereof if it is his/her conscious object to engage in conduct of that nature or to cause such a result. A person acts purposely with respect to attendant circumstances if he/she is aware of the existence of such circumstances or he/she believes or hope that they exist. “With purpose,” “designed,” “with design” or equivalent terms have the same meanings.²

Purpose is a condition of the mind that cannot be seen and can only be determined by inferences from conduct, words, or acts. Again, a state of mind is rarely susceptible of direct proof but must ordinarily be inferred from the facts. Therefore, it is not necessary, members of the jury, that the State produce witnesses to testify that an accused said he/she had a certain state of mind when he/she engaged in a particular act. It is within your power to find that such proof has been furnished beyond a reasonable doubt by inference which may arise from the nature of his/her acts and his/her conduct, and from all he/she said and did at the particular time and place, and from all of the surrounding circumstances.

² N.J.S.A. 2C:2-2b(1).

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If after a consideration of all the evidence you are convinced beyond a reasonable doubt that the defendant knowingly placed a call to a 9-1-1 emergency telephone system without purpose of reporting the need for 9-1-1 service, you must find the defendant guilty.

If, however, after a consideration of all the evidence you find that the State has failed to prove any element of the offense beyond a reasonable doubt, you must find the defendant not guilty.